

REMARKS

The Office Action dated June 29, 2004 presents the examination of claims 7-21. Claims 1-6 and 22 are withdrawn from consideration. Claims 1-6 and 22 are canceled herein. Claim 7 is amended. Support for "85% or more" added to claim 7 is found in the specification, such as on page 10, lines 10-15. No new matter is inserted into the application.

Election/Restriction

The Examiner states that a complete reply to the final rejection must include cancellation of non-elected claims or other appropriate action. In accordance with 37 C.F.R. § 1.144, claims 1-6 and 22 are canceled herein. Applicants reserve the right to pursue the subject matter of the canceled claims in a Divisional application.

Rejection under 35 U.S.C. § 103

Claims 7-21 remain rejected under 35 U.S.C. 103(a) for allegedly being obvious over Lucito et al. (*PNAS USA*, 95:4487-4492, 1998) in view of Thorstenson et al. (*Genome Research*, 8(8):848-855, 1998). Applicants respectfully traverse. Reconsideration and withdrawal of the instant rejection are respectfully requested.

On page 4 of the Office Action, the Examiner states that the rejection may be overcome by inserting a numerical percentage of the number of genes from the total genome that are maintained in the genomic DNA library. In response to the Examiner's remarks, claim 7 is amended to recite that the genomic DNA library maintains 85% or more of copy numbers of a set of genes or sequences on the genomic DNA. Support for the recitation of "85% or more" is found on page 10, lines 10-15 of the specification.

Neither Lucito et al. nor Thorstenson et al. teach or suggest that the use of fragmented DNAs allows for the construction of a genomic DNA library that maintains 85% or more of copy numbers for a set of genes or sequences on the genome, wherein the fragmented DNAs have a distribution ratio of 1 to 5 as defined by the size ratio of the maximum size of fragmented DNA to the minimum size of fragmented DNA, and have a size convergence rate of not less than 80%. As noted in the specification, the method of the present invention allows for the maintenance of copy numbers for a set of genes or sequences on the genome, preferably 85% to 95% or more (see page 10, lines 10-15 of the specification). Thus, the present invention exhibits excellent effects (i.e., the increased amount of genomic sequences) not available with the methods disclosed in the prior art.

For all of the above reasons, Applicants respectfully submit that the present invention is not obvious over Lucito et al. and Thorstenson et al. Withdrawal of the instant rejection is therefore respectfully requested.

Conclusion

Applicants respectfully submit that the above remarks and/or amendments fully address and overcome the outstanding rejections and objections. For the foregoing reasons, Applicants respectfully request the Examiner to withdraw all of the outstanding rejections and objections, and to issue a Notice of Allowance indicating the patentability of claims 7-21. Early and favorable action of the merits of the present application is thereby respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Kristi L. Rupert, Ph.D. (Reg. No. 45,702) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Pursuant to the provisions of 37 C.F.R. §§ 1.17 and 1.136(a), the Applicants hereby petition for an extension of two (2) months to

Appl. No. 09/989,420

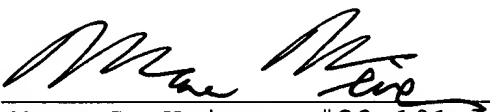
November 29, 2004, in which to file a reply to the Office Action.

The required fee of \$430.00 is enclosed herewith.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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